

NO.: 4:11-CR-38-2H

Defendant .

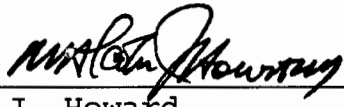
Case 4:11-cr-00038-H Document 63 Filed 05/28/14 Page 1 of 3

presented by the suit or appeal. Fees for transcripts furnished in other proceedings to persons permitted to appeal in forma pauperis shall also be paid by the United States if the trial judge or a circuit judge certifies that the appeal is not frivolous (but presents a substantial question). The reporter may require any party requesting a transcript to prepay the estimated fee in advance except as to transcripts that are to be paid for by the United States.

28 U.S.C. § 753(f). While the government must provide indigent criminal defendants with a transcript of prior proceedings under certain circumstances, there is no constitutional requirement that an indigent defendant receive free transcripts to collaterally attack his conviction or sentence. An indigent defendant is not entitled to a transcript at government expense "merely to comb the record in the hope of discovering some flaw." United States v. Glass, 317 F.2d 200, 202 (4th Cir. 1963). Thus, an individual requesting a free transcript for post-conviction matters must show a "particularized need" for the transcript. Morin v. United States, 522 F.2d 8, 9 (4th Cir. 1975).

Defendant has failed to make such a showing in this case. Because defendant has not shown a particularized need for a transcript, the motion [DE #61] is DENIED and the application to proceed in forma pauperis [DE #62] is also DENIED.

This 28th day of May 2014.



Malcolm J. Howard
Senior United States District Judge

At Greenville, NC
#26